

## INITIAL STATEMENT OF REASONS

### 2716. License Fees.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER  
CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO  
ADDRESS

Sections 10201, 10209.5, 10210, 10214.5 and 10215 of the Business and Professions Code specify the maximum fees to be charged for the various licenses of real estate brokers and salespersons, for the renewal or late renewal of those licenses, and for examinations required to obtain the licenses. Section 2716 of the Regulations was originally adopted to comply with these statutes and specify the appropriate fees if these are less than the maximums allowed by the statutes. As a result of various factors, in 1997, Section 10226 of the Business and Professions Code was amended and Section 10226.5 was adopted to require the Department to assess the fees charged and revenues raised from those fees to determine if fees should be raised or lowered. Section 2716.1 was adopted in 2003 to stabilize the fees while maintaining compliance with the new and amended statutes. Section 2716 is no longer needed because it has been superseded by the proposed amendments to Section 2716.1.

### SPECIFIC PURPOSE OF THE REGULATION

The purpose of this proposed change is to repeal the regulation because it has been replaced by Section 2716.1.

### NECESSITY

The repeal is necessary to avoid a conflict in the regulations.

### TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Commissioner did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

### ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS

The Commissioner finds that no alternatives he has considered would be more effective in carrying out the purpose of the proposed regulation change or would be as

effective and less burdensome to affected private persons than the proposed regulation change.

#### ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Commissioner has determined that there are no additional costs associated with this action. Therefore, the proposed regulation change would not have an adverse economic impact on licensees and no alternatives to these changes were identified that would lessen the impact upon businesses.

#### **2716.1. License Fees.**

#### PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS

Sections 10201, 10209.5, 10210, 10214.5 and 10215 of the Business and Professions Code specify the maximum fees to be charged for the various licenses of real estate brokers and salespersons, for the renewal or late renewal of those licenses, and for examinations required to obtain the licenses. Section 2716 of the Regulations was originally adopted to comply with these statutes and specify the appropriate fees if these are less than the maximums allowed by the statutes. As a result of various factors, in 1997, Section 10226 of the Business and Professions Code was amended and Section 10226.5 was adopted to require the Department to assess the fees charged and revenues raised from those fees to determine if fees should be raised or lowered. Section 2716.1 was adopted in 2003 to stabilize the fees while maintaining compliance with the new and amended statutes. Section 2716.1 has been effective but is scheduled to sunset on July 1, 2007.

#### SPECIFIC PURPOSE OF THE REGULATION

The purpose of this proposed change is to remove the July 1, 2007 sunset provision and therefore maintain fees, charged for the various licenses of real estate brokers and salespersons, for the renewal or late renewal of those licenses, and for examinations required to obtain the licenses, at 1982 levels.

#### NECESSITY

The amendment is necessary to maintain fees, charged for the various licenses of real estate brokers and salespersons, for the renewal or late renewal of those licenses, and for examinations required to obtain the licenses, at 1982 levels.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Commissioner did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS

The Commissioner finds that no alternatives he has considered would be more effective in carrying out the purpose of the proposed regulation change or would be as effective and less burdensome to affected private persons than the proposed regulation change.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Commissioner has determined that there are no additional costs associated with this action. Therefore, the proposed regulation change would not have an adverse economic impact on licensees and no alternatives to these changes were identified that would lessen the impact upon businesses.

**2790.1. Filing Fees.**

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS

Section 11011 of the Business and Professions Code specifies the maximum filing fees in connection with applications to the Department relating to subdivisions. Section 2790.1 of the Regulations was originally adopted to comply with this statute and specify the appropriate fees if these are less than the maximums allowed by the statute. As a result of various factors, in 1997, Section 10226 of the Business and Professions Code was amended and Section 10226.5 was adopted to require the Department to assess the fees charged and revenues raised from those fees to determine if fees should be raised or lowered. Section 2790.1.5 was adopted in 2003 to stabilize the fees while maintaining compliance with the new and amended statutes. Section 2790.1 is no longer needed because it has been superseded by the proposed amendments to Section 2790.1.5.

SPECIFIC PURPOSE OF THE REGULATION

The purpose of this proposed change is to repeal the regulation because it has been replaced by Section 2790.1.5.

## NECESSITY

The repeal is necessary to avoid a conflict in the regulations.

## TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Commissioner did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

## ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS

The Commissioner finds that no alternatives he has considered would be more effective in carrying out the purpose of the proposed regulation change or would be as effective and less burdensome to affected private persons than the proposed regulation change.

## ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Commissioner has determined that there are no additional costs associated with this action. Therefore, the proposed regulation change would not have an adverse economic impact on licensees and no alternatives to these changes were identified that would lessen the impact upon businesses.

### **2790.1.5. Filing Fees.**

## PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS

Section 11011 of the Business and Professions Code specifies the maximum filing fees in connection with applications to the Department relating to subdivisions. Section 2790.1 of the Regulations was originally adopted to comply with this statute and specify the appropriate fees if these are less than the maximums allowed by the statute. As a result of various factors, in 1997, Section 10226 of the Business and Professions Code was amended and Section 10226.5 was adopted to require the Department to assess the fees charged and revenues raised from those fees to determine if fees should be raised or lowered. Section 2790.1.5 was adopted in 2003 to stabilize the fees while maintaining compliance with the new and amended statutes. Section 2790.1.5 has been effective but is scheduled to sunset on July 1, 2007.

## SPECIFIC PURPOSE OF THE REGULATION

The purpose of this proposed change is to remove the July 1, 2007 sunset provision and therefore maintain filing fees in connection with applications to the Department relating to subdivisions, at 1982 levels.

## NECESSITY

The amendment is necessary to maintain filing fees in connection with applications to the Department relating to subdivisions, at 1982 levels.

## TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Commissioner did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

## ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS

The Commissioner finds that no alternatives he has considered would be more effective in carrying out the purpose of the proposed regulation change or would be as effective and less burdensome to affected private persons than the proposed regulation change.

## ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Commissioner has determined that there are no additional costs associated with this action. Therefore, the proposed regulation change would not have an adverse economic impact on licensees and no alternatives to these changes were identified that would lessen the impact upon businesses.

## **2810. Filing Fees.**

## PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS

Section 11232 of the Business and Professions Code, part of the Vacation Ownership and Time-Share Act of 2004, specifies the maximum filing fees in connection with applications to the Department relating to time-share interests. Section 2810 of the Regulations was originally adopted to comply with this statute and specify the appropriate fees if these are less than the maximums allowed by the statute. After adopting Section 2810 it was discovered that some of the wording was ambiguous and needs

to be clarified. As a result of various factors, in 1997, Section 10226 of the Business and Professions Code was amended and Section 10226.5 was adopted to require the Department to assess the fees charged and revenues raised from those fees to determine if fees should be raised or lowered. Section 2810.5 was adopted in 2005 to stabilize the fees while maintaining compliance with the new and amended statutes. Section 2810 is no longer needed because it has been superseded by the proposed amendments to Section 2810.5.

#### SPECIFIC PURPOSE OF THE REGULATION

The purpose of this proposed change is to repeal the regulation because it has been replaced by Section 2810.5.

#### NECESSITY

The repeal is necessary to avoid a conflict in the regulations.

#### TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Commissioner did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

#### ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS

The Commissioner finds that no alternatives he has considered would be more effective in carrying out the purpose of the proposed regulation change or would be as effective and less burdensome to affected private persons than the proposed regulation change.

#### ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Commissioner has determined that there are no additional costs associated with this action. Therefore, the proposed regulation change would not have an adverse economic impact on licensees and no alternatives to these changes were identified that would lessen the impact upon businesses.

#### **2810.5. Filing Fees.**

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS

Section 11232 of the Business and Professions Code, part of the Vacation Ownership and Time-Share Act of 2004, specifies the maximum filing fees in connection with applications to the Department relating to time-share interests. Section 2810 of the Regulations was originally adopted to comply with this statute and specify the appropriate fees if these are less than the maximums allowed by the statute. After adopting Section 2810 it was discovered that some of the wording was ambiguous and needs to be clarified. As a result of various factors, in 1997, Section 10226 of the Business and Professions Code was amended and Section 10226.5 was adopted to require the Department to assess the fees charged and revenues raised from those fees to determine if fees should be raised or lowered. Section 2810.5 was adopted in 2005 to stabilize the fees while maintaining compliance with the new and amended statutes. Section 2810.5 has been effective but is scheduled to sunset on July 1, 2007.

#### SPECIFIC PURPOSE OF THE REGULATION

The purpose of this proposed change is to (1) remove the July 1, 2007 sunset provision and therefore maintain filing fees, in connection with applications to the Department relating to time-share interests, at present levels; (2) specify that filing fees for conditional and preliminary public reports are the same; and (3) specify that time-share interest filing fees for amended public reports where the amendment consists only of a recurring and non-substantive change would be reduced to match those for subdivisions.

#### NECESSITY

The amendments are necessary to (1) maintain filing fees in connection with applications to the Department relating to time-share interests, at present levels; (2) clarify that filing fees for conditional and preliminary public reports are the same; and (3) maintain consistency by reducing time-share interest filing fees for amended public reports where the amendment consists only of a recurring and non-substantive change to match those for subdivisions.

#### TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Commissioner did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

#### ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS

The Commissioner finds that no alternatives he has considered would be more effective in carrying out the purpose of the proposed regulation change or would be as effective and less burdensome to affected private persons than the proposed regulation change.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD  
LESSEN ANY ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Commissioner has determined that there are no additional costs associated with this action. Therefore, the proposed regulation change would not have an adverse economic impact on licensees and no alternatives to these changes were identified that would lessen the impact upon businesses.